

**IN THE UNITED STATES DISTRICT COURT
EASTERN DIVISION OF ARKANSAS
WESTERN DIVISION**

JAMES ANTHONY ATENCIO

PLAINTIFF

V.

4:19CV00225 JM

LIZA BROWN


DEFENDANT

ORDER

Plaintiff has filed a nonsensical Complaint against Assistant United States Attorney Liza Brown in her official capacity. Ms. Brown is the prosecutor involved in the prosecution of Plaintiff for illegal drugs and weapons charges in this district. The United States, on behalf of Ms. Brown, has filed a Motion to Dismiss. Ms. Brown has been sued in her official capacity and is entitled to sovereign and absolute immunity. Claims against federal officials in their official capacity are barred by the doctrine of sovereign immunity, unless Congress has expressed an unequivocal waiver. *Coleman v. Espy*, 986 F. 2d 1184, 1191 (8th Cir. 1993). Further, it appears that Ms. Brown has been sued because of action she took during the performance of her prosecutorial duties. It is well settled that prosecutors are immune based on their actions taken in the performance of prosecutorial duties. *Van De Kamp v. Goldstein*, 555 U.S. 335, 129 S.Ct. 855, 860, 172 L. Ed. 2d 706 (2009).

For these and all of the reason stated in the Motion to Dismiss and supporting brief, the Motion (ECF No. 4) is GRANTED and the Plaintiff's Complaint is dismissed. The Clerk is directed to close the case.

IT IS SO ORDERED THIS 26th day of June, 2019.


UNITED STATES DISTRICT JUDGE